



## Seychelles

### Country Reports on Human Rights Practices - [2002](#)

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President France Albert Rene and the Seychelles People's Progressive Front (SPPF) have governed the country since a 1977 military coup. In the early 1990's, the SPPF guided the country's return to a multiparty political system, which culminated in 1993 in the country's first free and fair presidential and parliamentary elections since 1977. In September 2001, President Rene and the SPPF again won reelection with 54 percent of the vote; Seychelles National Party (SNP) candidate Wavel Ramkalawan received 45 percent and independent candidate Dr. Philip Boulle 1 percent. Although the opposition criticized the election for a number of irregularities, some international observers concluded that overall result was decided fairly; however, other international observers concluded that the election was not entirely free and fair. In December elections for the National Assembly were held and judged to be free and fair by international observers. The ruling SPPF party prevailed in the elections, winning 23 of the 34 seats. The opposition SNP party won 11 seats, a significant increase over the 4 seats that were secured by the opposition in the 1998 elections. The President and the SPPF dominate the country through a pervasive system of political patronage and control over government jobs, contracts, and resources. The judiciary was subject to executive interference.

The President has complete control over the security apparatus, which included a national guard force, the army, the Presidential Protection Unit, the coast guard, the marines, and the police. There also was an armed paramilitary Police Mobile Unit. Members of the security forces committed some human rights abuses.

The economy was market-based and provided the country's approximately 82,000 residents with an average per capita income of \$8,000. The Government in recent years diversified the economy by increasing the revenues received from fishing rights and investing in the fish-processing sector with foreign joint-ownership partners in order to move the economy away from its heavy reliance on tourism. Manufacturing surpassed tourism as the most important economic activity; however, no significant new investments were made during the year. Overall growth continued to remain sluggish, largely due to shortages of foreign exchange and the pervasive presence of inefficient state enterprises. There continued to be no progress toward privatization during the year. The country's application to join the World Trade Organization obliged it to consider reforming its trade and foreign exchange regimes; however, it made few substantive changes by year's end.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. President Rene and the SPPF continued to wield power virtually unchecked. Security forces arbitrarily arrested and detained citizens; however, such actions were limited to detention during the weekend in order to avoid compliance with the Constitution's 24-hour "charge or release" provision. The judiciary was inefficient, lacked resources, and was subject to executive influence. There were some restrictions on freedom of the press. Violence against women continued, and child abuse remained a problem. Discrimination against foreign workers also was a problem. Seychelles was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There was at least one report of the arbitrary or unlawful deprivation of life by the Government or its agents. In June a prisoner, who allegedly was killed during an attempted escape, may have been the victim of an unlawful

killing. According to reports, the prisoner had more than 10 bullet wounds on his body, and he was disfigured and maimed in ways that contradicted a police report, which claimed that the prisoner's physical injuries were the result of his resisting arrest. No action was taken against the responsible officers by year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution expressly forbids torture and there were no reported instances of the use of torture by the security forces.

Unlike in previous years, there were no reports that police officers forcibly dispersed crowds.

There was no action taken against the responsible police officers who used tear gas to disperse forcibly a group of soccer players and their fans in May 2001 on Praslin Island by year's end.

In March 2000 on the island of La Digue, police reportedly beat a man while he was in police custody. The family of the detainee sued the Commissioner of Police and the three police officers on duty at the time for \$4,386 (SR 25,000) in damages. Both a criminal and a civil suit have been filed; the trial was still pending at year's end.

Conditions at the Long Island prison, the only such facility in the country, remained Spartan. During the year, the number of inmates dropped to 149 of which 4 were women, 2 were under the age of 23 years, and 2 were noncitizens. Family members were allowed monthly visits, and prisoners had access to reading but not writing materials. Men were held separately from women, and juveniles were held separately from adults. There were no reports of abuse of women or juveniles by guards or other inmates.

There was no regular system of independent monitoring of prisons; however, local and international nongovernmental organizations (NGOs) were allowed to visit. There were no prison visits by NGOs or other interested parties during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that persons arrested must be brought before a magistrate within 24 hours with allowances made for boat travel from distant islands. The law provides for detention without charge for up to 7 days if authorized by court order. Defense attorneys asserted in previous years that extended periods of detention under harsh conditions were used to extort confessions from suspects; however, there were no such incidents reported during the year. Police occasionally detained individuals on a Friday or Saturday in order to allow for a longer period of detention without charge, thereby avoiding compliance with the Constitution's 24-hour "charge or release" provision; however, the practice appeared to be diminishing during the year. The police released such persons on a Monday before the court could rule on a writ of habeas corpus.

There was no official action taken against the responsible soldiers who in the May 2001 on the island of Praslin arrested and detained for 1 day approximately 20 soccer players and fans at local police stations (see Section 1.c.).

Detainees have the right of access to legal counsel, but security forces, in hopes of eliciting a confession or other information, sometimes withhold this right. Free counsel was provided to the indigent. Bail was available for most offenses.

The law prohibits forced exile, and the Government did not employ it. Following the 1977 coup, a number of persons went into voluntary exile, and others were released from prison with the condition that they leave the country immediately. A number of these former exiles that returned to the country were able to reacquire their property; however, several claims remained in the court system at year's end.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, it was inefficient, lacked resources, and was

subject to executive interference.

The judicial system includes magistrates' courts, the Supreme Court, the Constitutional Court, and the Court of Appeal. The Constitutional Court convenes weekly or as necessary to consider constitutional issues only. The Court of Appeal convenes three times per year for 2 weeks in April, August, and October to consider appeals from the Supreme Court and Constitutional Court only.

All judges are appointed for 7 years and could be reappointed by the President on the recommendation of the Constitutional Appointment Committee. All sitting judges were hired from other Commonwealth countries, including Mauritius, India, Sri Lanka, Nigeria, and Zambia; none were citizens, with the exception of the Chief Justice, who was a naturalized citizen. The Seychelles Bar Association criticized the Government for not advertising domestically that judicial positions were available, since 30 citizens practiced law either domestically or abroad. Some observers criticized expatriate judges for a perceived lack of sensitivity on issues such as human rights. Legal entities of the Government, such as the Attorney General's Office and the Ombudsman, were reluctant to pursue charges of wrongdoing or abuse of power against senior officials.

Defendants had the right to a fair public trial. Depending on the gravity of the offense, criminal cases were heard by magistrates' court or the Supreme Court. A jury was used in cases involving murder or treason. Trials were public, and the accused was considered innocent until proven guilty. Defendants had the right to counsel, to be present at their trial, to confront witnesses, and to appeal.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the right to privacy and freedom from arbitrary searches; however, the Government sometimes infringed on these rights. The law requires a warrant for police searches and seizures; however, there were reports that members of the police drug squad entered homes and detained persons without a warrant. The law requires that all electronic surveillance be justified on the grounds of preventing a serious crime and approved by a judge; however, the Government maintained telephone surveillance of some political figures.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, it also provides for restrictions on speech "for protecting the reputation, rights, and freedoms of private lives of persons" and "in the interest of defense, public safety, public order, public morality, or public health," and as a result both freedom of speech and of the press were constrained by the ease with which civil lawsuits could be filed to penalize journalists for alleged libel. The law allows the Minister of Information Technology to prohibit the broadcast of any material believed to be against the "national interest" or "objectionable;" however, the law was not used against journalists or the media during the year. The legislation also requires telecommunications companies to submit subscriber information to the Government. In most instances, citizens speak freely, including in Parliament.

In May 2001, government officials seized a shipment of copies of a local singer's album on the grounds that the singer had not obtained an import permit for the shipment. The singer claimed the album copies were seized because they contained songs that were critical of the Government and that called for political change. In June 2001, the government-controlled Seychelles Broadcasting Corporation (SBC) banned the musician's songs from being broadcast on the grounds that they were seditious. The musician's songs still were not permitted to be broadcast at year's end. During the year, the SNP also was not permitted to broadcast its theme song in advertisements on SBC.

The Government has a near monopoly of the media, owning the only television and radio stations--the most important means for reaching the public--and the only daily newspaper, the Nation. The official media adhered closely to the Government's position on policy issues and gave the opposition and news adverse to the Government only limited attention. While both opposition parties published an assortment of newsletters and magazines, only one significant opposition newspaper, the weekly Regar, was published. Government officials have sued Regar for libel 10 times in the last 6 years. In 2001 President Rene sued Regar and the SNP for libel, demanding \$1.5 million (SR 9 million) in damages. In the lawsuits, Rene claimed Regar and the SNP libeled him when they suggested that he had stolen money from the Government's Children's Fund and when Regar criticized him for using expensive imported marble in the construction of a private residence. The Supreme Court had not

heard the case by year's end.

The license fees for a private radio or television station were \$151,200 (SR 800,000) per year, while newspaper publishing licenses are \$760 (SR 4,000) plus a bank guarantee of \$19,000 (SR 100,000). The high fees still had not changed and were a deterrent to the establishment of private radio and television stations.

The Internet was available in the country, and the Government did not restrict access to it.

Academic freedom was limited due to the fact that one could not reach senior positions in the academic bureaucracy without demonstrating at least nominal loyalty to the SPPF. There are no universities; secondary school teacher appointments largely were apolitical. The Government controlled access to the Polytechnic, the most advanced learning institution.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice; however, while generally permitting SNP rallies, the police on occasion refused to grant permission to the SNP to hold rallies citing dubious reasons.

Unlike in the previous year, there were no reports that police forcibly dispersed crowds.

Some members of opposition parties claimed that they lost their government jobs because of their political beliefs and were at a disadvantage when applying for government licenses and loans.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion see the 2002 International Religious Freedom Report.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice; however, although it was not used during the year, the law allows the Government to deny passports to any citizen if the Minister of Defense finds that such denial is "in the national interest." While the resident departure tax of approximately \$45 (SR 250) was payable in local currency, government foreign exchange regulations and the foreign exchange shortage hindered many citizens from being able to afford foreign travel, although they might have sufficient means in local currency. According to the law, citizens cannot possess any foreign exchange unless in possession of a receipt from a licensed foreign exchange vendor. In addition, banks provided only \$95 (SR 500) to a maximum \$200 (SR 1,146) to those departing the country because of the extreme foreign exchange shortage.

The law contains provisions for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. As there have been no recent refugee cases, there were no reports of government cooperation with the office of the U.N. High Commissioner for Refugees; however, there are no indications that the Government would not cooperate if such cases arose.

The Immigration Act does not mention asylum. There were no known requests for asylum, and there were no refugees in the country. The issue of first asylum did not arise during the year.

There were no reports of the forced return of persons to a country where they feared persecution.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens exercised the right to change their government in the September 2001 presidential elections and in the 1998 National Assembly elections, despite the fact that President Rene and the SPPF dominated the elections. Suffrage was universal. In the December National Assembly elections, judged to be free and fair by international observers, the opposition SNP party won 11 of the 34 seats, an improvement on the 4 seats the opposition held following the 1998 elections.

In the September 2001 presidential election, approximately 90 percent of eligible voters participated. President Rene was reelected with 54 percent of the vote; SNP candidate Wavel Ramkalawan received 45 percent, and independent candidate Dr. Philip Boule received 1 percent. Only the chief opposition party, the SNP, chose to contest the election; the Democratic Party did not field a candidate. Many Democratic Party supporters apparently voted for Ramkalawan. Ramkalawan challenged the election results; he accused the SPPF of intimidation, vote buying, and not respecting the election rules. His court challenge remained pending at year's end. Observers from the Southern African Development Community (SADC), the Commonwealth Organization, and the Francophone Organization supervised the polling. SADC observers noted "minor hitches" but stated their satisfaction with the election and in particular observed "transparency" during vote casting and counting. However, in October 2001, the Commonwealth Organization observers released their report, which concluded that the elections were peaceful but not entirely free and fair. The report described instances of intimidation during voting and the lack of open competition during the campaign.

In August the leader of the opposition, Mr. Wavel Ramkalawan declared that there was a plot to assassinate him, and the Speaker of the Assembly made special provisions for him to be provided with security personnel. A special Assembly allocation provided him with \$2,683 (SR 15,000) per month for unarmed bodyguards.

Prior to the 2001 presidential elections, the SNP protested to the Electoral Commissioner that a parastatal company, whose chairman is President Rene, required employees to attend a government-sponsored political rally. The opposition party reported that employees who did not attend the rally risked losing their year-end bonuses (see Section 6.a.).

The President's SPPF party continued to utilize its political resources and those of the Government to develop a nationwide organization that extended to the village level. The opposition parties have been unable to match the SPPF's organization and patronage, in part because of financial limitations. In the 2000 budget, the SPPF was allocated \$54,202 (SR 308,952), the SNP \$22,889 (SR 130,470), and the Democratic Party \$10,628 (SR 60,578).

In 2000 the National Assembly amended the Constitution to allow the President to call presidential elections separately from National Assembly elections at any time after the first year of his 5-year term in office, which allowed President Rene to call presidential elections in 2001.

There were 8 women in the 34-seat National Assembly, 6 by direct election and 2 by proportional representation, and there were 3 women in the 12-minister Cabinet.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic human rights groups, including churches, generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Two private human rights related organizations operated in the country. The Friends for a Democratic Society pledged to focus on raising awareness of individual rights in a democracy; however, it was inactive. In 1999 the Center for Rights and Development (CEFRAD) published a 5-year action plan that stressed respect for human rights, participation in a civil society, and sensible approaches to development. CEFRAD did not claim any results from its 5-year plan by year's end. CEFRAD also established ties with other national and international NGO's. In 2001 Simeon Ake, an African Union (AU) representative from the Cote d'Ivoire, led a two-person delegation to the country from the Commission on Human and People's Rights. Although the AU has not released a report detailing any findings, the team urged the Government to take unspecified steps to better promote respect for human rights in the country. Possibly in response to AU encouragement, the Government ratified the Constitutive Act of the African Union, which promotes respect for human rights. The Government also established a National Humanitarian Affairs Committee (NHAC), with a diverse range of members from both civil society and the Government. The International Committee of the Red Cross acts as a technical adviser to the NHAC.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution affirms the right to be free from all types of discrimination, but it does not prohibit discrimination based on these factors specifically. Nevertheless, in practice there was no overt discrimination in housing, employment, education, or other social services based on race, sex, ethnicity, nationality, or disabilities.

#### Women

Domestic violence against women, particularly wife beating, remained a problem and increased during the year. Police seldom intervened in domestic disputes, unless the dispute involved a weapon or major assault. The few cases that reached a prosecutor often were dismissed, or, if a case reached court, the perpetrator usually was given only a light sentence. Rape, spousal rape, and domestic abuse are criminal offenses. Between May 2000 and September 2002, the Probation Services recorded 510 domestic violence cases against women. There was growing societal concern about domestic violence and increased recognition of the need to address it. During the year, local NGOs continued awareness campaigns and training programs regarding domestic abuse for women and girls; however, the Government did not engage in any public campaigns to dissuade domestic abuse.

The society largely was matriarchal, with 76 percent of births out-of-wedlock during the year. There were no reports of societal discrimination against unwed mothers, and fathers were required by law to support their children. The age of consent was 14, and women under 20 years of age accounted for 14 percent of all births. Girls were not allowed to attend school when they were pregnant, and many did not return to school after the birth of a child. There was no officially sanctioned discrimination in employment, and women were well represented in business. Inheritance laws did not discriminate against women.

## Children

The law prohibits physical abuse of children. The Division of Social Affairs in the Ministry of Social Affairs and Manpower Development worked to protect children's rights. Children were required to attend school through the 10th grade. Free public education was available through the secondary level until age 18. Parents contributed up to two-thirds of the cost of post-secondary education and training based on their income for both in country and overseas schools. According to government figures, all children between the ages of 6 and 16 attended school, and the enrollment of boys and girls was roughly equal. There was a noncompulsory fifth year of secondary school. After completing secondary school, students can go to the Polytechnic School for Vocational Training, go abroad for university studies, or go to apprenticeship or short-term work programs. Children in the apprenticeship or short-term work programs received a training stipend, which was less than the minimum wage.

An 18-member Family Tribunal heard and decided all matters relating to the care, custody, access, and maintenance of children, except paternity cases, which remain under the courts. During the year, 367 cases came before the Tribunal. Approximately 14 percent of all cases presented to the Family Tribunal were resolved during the first hearing. The Family Tribunal also was responsible for collecting and disbursing child support payments made by family members. In 2001 it was reported that as much as \$173,077 (SR 900,000) was missing from the child support funds. The Ministry of Social Affairs opened an investigation into the matter. There were no results released on the investigation; however, social security funds were transferred to cover the child support obligations.

Sexual abuse of children, usually in low-income families, was a problem; however, there were only 41 cases of sexual abuse reported during the year--generally by stepfathers and older brothers. Ministry of Health data and press reports indicated that there were a significant number of rapes committed against girls under the age of 15. Very few child abuse cases actually were prosecuted in court. The strongest public advocate for young victims is a semiautonomous agency, the National Council for Children. There was criticism that the police failed to investigate vigorously charges of child abuse.

## Persons with Disabilities

There was no discrimination against persons with disabilities in housing, jobs, or education; however, there was no legislation providing for access to public buildings, transportation, or state services.

## Section 6 Worker Rights

### a. The Right of Association

The law provides workers with the right to form and join unions of their choosing; however, police, military, prison, and fire-fighting personnel may not unionize. Between 15 and 20 percent of the workforce was unionized.

There were three trade union organizations: One dominated by the SPPF, the Seychelles Federation of Workers Union (SFWU), one independent federation, the Seychelles Workers Union (SWU), and a new trade union created during the year, the Seychelles National Trade Union (SNTU), that has close connections to the opposition SNP party.

The law prohibits antiunion discrimination by employers against union members.

Unions may affiliate freely with international bodies; the SFWU is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

The law provides workers with the right to engage in collective bargaining; however, free collective bargaining did not take place. The Government has the right to review and approve all collective bargaining agreements in the public and private sectors. There was little flexibility in setting wages. In the public sector, which employed 57 percent of the labor force, the Government set mandatory wage scales for employees. Wages in the private sector generally were set by the employer in individual agreements with the employee, but in the few larger businesses, wage scales were subject to the Government's right of review and approval. Private employers historically paid higher wages than the Government in order to attract qualified workers; however, economic problems during the year led to downward pressures on wages.

The law authorizes the Ministry of Employment and Social Affairs to establish and enforce employment terms, conditions, and benefits. Workers frequently have obtained recourse against their employers through the Ministry.

Strikes were illegal; however, a strike may be allowed if written permission or approval from the Commissioner of Police was obtained. The last recorded strike occurred in the early 1960's.

There were 26 companies that participated in an export processing zone known as the Seychelles International Trade Zone (SITZ). The SITZ was bound only by the Seychelles Trade Zone Act and was not obliged to adhere to labor, property, tax, business, or immigration laws.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution states that the minimum age for employment is 15, "subject to exceptions for children who are employed part time in light work prescribed by law without harm to their health, morals, or education." It is a criminal offense punishable by a fine of \$1,130 (SR 6,000) to employ a child under the age of 15. The Ministry of Employment and Social Services was responsible for enforcing child labor laws and investigating abuses of child labor. The Ministry handled such complaints within its general budget and staffing; no cases that required investigation were reported by year's end.

e. Acceptable Conditions of Work

The complicated minimum wage scale was regulated administratively by the Government; it covered the public and state-owned sectors and differentiated among various job classifications. The Ministry of Employment and Social Affairs enforced minimum wage regulations. The "recommended" minimum wage was \$405 (SR 2,025) per month. Trade unions contended that government entities paid some workers less than the legal minimum wage. Even with the free public services that were available, primarily health care and education, independent labor unions disputed that a single salary at the low end of the pay scale provided a decent standard of living for a worker and family.

The legal maximum workweek varied from 45 to 52 hours, depending on the economic sector; government employees worked fewer hours. Each full-time worker was entitled to a 30-minute break per day and a minimum of 21 days of paid annual leave. Workers were permitted to work overtime up to 60 additional hours per month. The Government generally enforced these regulations. Foreign workers did not enjoy the same legal protections.

In recent years, there was a growing trend to admit foreign workers, primarily from China, India, the Philippines, Thailand, and Madagascar, to work in the construction and commercial fishing sectors, because few citizens chose to work in these sectors. Although it was difficult to determine the living and working conditions of these workers, there was evidence that the labor laws were flouted routinely with the Government's knowledge and acquiescence. These workers were paid lower wages and forced to work longer hours than citizens.

The Ministry of Employment and Social Affairs has formal responsibility for enforcing the Government's comprehensive occupational health and safety regulations; however, the Ministry of Health also sought a role in this area. An International Labor Organization (ILO) team, which visited in 1995, found serious deficiencies in the management and effectiveness of government monitoring and enforcement efforts; however, there were never any government actions in response to the ILO criticisms. Occupational injuries were most common in the construction, marine, and port industries. A worker who removed himself from a potentially dangerous situation on the job was considered to have resigned. Safety and health inspectors rarely visited job sites. There were no work-related deaths during the year. Workers do not have the right to remove themselves from dangerous or unhealthy work situations without risking their continued employment.

f. Trafficking in Persons

The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.